

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 570

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### AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, INCREASING THE CITY'S ELECTRIC UTILITY TAX RATE AND AMENDING CHAPTER 3.12 OF THE BURIEN MUNICIPAL CODE

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WHEREAS, the City Council has determined that the public interest is best served by increasing the City's electric utility tax rate to be effective January 1, 2013;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 3.12 of the Burien Municipal Code is hereby amended by amending BMC 3.12.040 to read as follows:

#### **3.12.040 Occupations subject to tax – Amount.**

There is levied upon, and shall be collected from a person because of certain business activities engaged in or carried on in the city of Burien, taxes in the amount to be determined by the application of rates given against gross income as follows:

- (1) Upon a person engaged in or carrying on the business of selling, furnishing, or transmitting electric energy, a tax equal to ~~three~~<sup>six</sup> percent of the total gross income from such business in the city during the period for which the tax is due;
- (2) Upon a person engaged in or carrying on the business of selling, furnishing, or transmitting gas, whether natural or manufactured, a tax equal to six percent of the total gross income from such business in the city during the period for which the tax is due;
- (3) Upon a person engaged in or carrying on any telephone business, a tax equal to six percent of the total gross income, including income from intrastate long distance toll service, from such business in the city during the period for which the tax is due;
- (4) Upon a person engaged in or carrying on the business of selling, furnishing or transmitting cable television service, a tax equal to six percent of the total gross income from such business in the city during the period for which the tax is due;
- (5) Upon a person engaged in or carrying on the business of collecting solid waste, a tax equal to six percent of the total gross income from such business in the city during the

period for which the tax is due, less income derived from collection and sales of materials not defined herein as solid waste. [Ord. 368 § 3, 2002; Ord. 343 § 4, 2001]

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect on January 1, 2013.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 5<sup>TH</sup> DAY OF NOVEMBER, 2012, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2012.

CITY OF BURIEN

/s/ Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Craig D. Knutson, City Attorney

Filed with the City Clerk: November 5, 2012

Passed by the City Council: November 5, 2012

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Date of Publication: November 8, 2012